IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3443 OF 2005.

M/s.Mahikawati Pan Utpadak
Vikri Sangh. ... Petitioner.

V/s.

Smt.Sarika Sudhekar Vartak. ... Respondent.

S.M.Oak for the petitioner.

Rajesh Ghehani for the respondent.

CORAM: V.C.DAGA, J.

DATED: 21st November 2005.

P.C.:

. Heard learned counsel for the parties.

. Learned counsel for the petitioner tried to ground his contention based on the evidence of the respondent-workman; wherein while recording her evidence it was recorded that she joined petitioner/ employer on 1st May, 2000. It was, obviously, a mistake either on her part while deposing or may be a mistake while recording evidence. I say so because in the written statement (para-3) filed by the employer before first Labour Court, Thane it was admitted by the employer that she was working with them since 1990 as Clerk. The written statement (relevant portion) reads as under:-

"..... It is submitted that there were only four clerks and three helpers and Shri.Subhash Raghunath Raut is appointed as the Head Clerk of the first party in the year 1984 and the second party workman was appointed as a Clerk in the year 1990 and as such the second party workman was absolutely junior and as such the question of displaying the seniority list on the notice board as alleged by the second party does not survive."

. The above piece of pleading, unequivocally, goes to show that the respondent-workman was working with the petitioner-employer since 1990.

. The learned counsel for the petitioner, therefore, cannot rely on her evidence which is nothing but an outcome of obvious mistake. In view of the admission given by petitioner-employer in the written statement that respondent-workman was working with them since 1990, the said admission would bind the petitioner. It was, thus, obligatory on the part of the petitioner to comply with the provisions of section 25F and 25G of the Industrial Disputes Act, 1947. The same view has been taken by the First Labour Court in the impugned order. Except relying on the

mistaken piece of evidence no other contention was raised before me. The contention raised to contend non-applicability of the provisions of section 25F and 25G of the Industrial Disputes Act is devoid of any merit.

. In that view of the matter, no case is made out to interfere with the impugned order. Petition is dismissed in limine with no order as to costs.

(V.C.DAGA, J.)